

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: M. Rigdon Lentz

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EXAMINATION
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Serial No.: 09/699,003

Art Unit: 3762

Filed: October 26, 2000

Examiner: P. Bianco

For: *METHODS AND COMPOSITIONS FOR TREATMENT OF CANCERS*Assistant Commissioner for Patents
Washington, D.C. 20231

Declaration under 37 C.F.R. 1.131

Sir:

I, M. Rigdon Lentz,

1. I am the inventor of the above-identified application.
2. I conceived of the method of using an immobilized antibody column to remove soluble cytokine receptors to induce an inflammatory response and tumor remission in patients, and system for use therein, and conveyed this information to my patent attorney, Patrea Pabst, prior to May 1998, when Selinsky, et al., "Multifaceted inhibition of anti-tumour immune mechanisms by soluble tumour necrosis factor receptor type I" Immunology 94, 88-93 (1998), was published. This is demonstrated by attachment A, the marked up draft of the patent application which I returned to Patrea Pabst with my comments on April 20, 1998.
3. I then diligently proceeded to reduce this method to practice by filing a patent application U.S.S.N. 09/083,307 on May 22, 1998. It is not clear on what date Selinsky

was published. Based on the comments by Examiner Lorraine Spector in U.S.S.N. 09/709,045, Selinsky was not published until after my patent application was filed, since the publication was not received by the US Patent Office until May 28, 2004. To the extent it was published before I filed my patent application, I have provided additional evidence that I acted diligently from the date of its publication in filing my patent application. This is demonstrated in part by Attachment B is copy of a letter dated May 2, 1998 regarding further correspondence about changes to the draft application Attachment B, and providing additional data to incorporate into the application.

4. I declare that all statements made herein of my own knowledge and belief are true and that all statements made on information and belief are believed to be true, and further, that the statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 2/2/2005
M. Rigdon Lentz

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